

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.28555 of 1997

Between:

M/s. Sukhjeeka Industries Represented by its Manager,
Damodarlal.

..... PETITIONER

AND

- 1 The Commissioner of Prohibition & Excise,
Andhra Pradesh, Hyderabad.
- 2 The Superintendent of Prohibition & Excise,
Ranga Reddy District.
- 3 The Superintendent of Prohibition & Excise,
Nizamabad, Nizamabad District.
- 4 The Superintendent of Prohibition & Excise,
Sanga Reddy, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate order, direction or a writ particularly one in the nature of Writ of Mandamus declaring that the interference with the business of the petitioner in purchasing, sale, transporting and storing of Molasses for manufacturing of Cattle Feeds and animal Meal is arbitrary and illegal and without jurisdiction apart from being violating of Article 19(1)(g) of Constitution of India.

Counsel for the Petitioner: MR.KOKA RAGHAVA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter of this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

“In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.

Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed”.

2. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

N.V. RAMANA, J

Date: 29.03.2005

Nsr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the
Twenty Ninth day of March Two thousand and Five

To

- 1 The Commissioner of Prohibition & Excise,
Andhra Pradesh, Hyderabad.
- 2 The Superintendent of Prohibition & Excise,
Ranga Reddy District.
- 3 The Superintendent of Prohibition & Excise,
Nizamabad, Nizamabad District.
- 4 The Superintendent of Prohibition & Excise,
Sanga Reddy, Medak District.

5 Two CCs to GP for Prohibition and Excise, High Court Buildings,
Hyderabad (OUT)

6 Two CD copies

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